

Robert C. Weems (SBN 148156)
WEEMS LAW OFFICES
526 3rd St., Ste. A-2
San Rafael, CA 94901
Ph: 415.881.7653
Fx: 866.610.1430
Email: rcweems@weemslawoffices.com

Attorney for Plaintiff,
DANIEL EMILIO GUZMAN PAZ

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DANIEL EMILIO GUZMAN PAZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 2:22-cv-01605-KJN

STIPULATION AND ORDER RE
MODIFICATION OF SCHEDULING
ORDER

Subject to the approval and any further orders of the Court, the parties, by and through counsel of record, stipulate and agree that good cause supports modification of the scheduling order in this action. The current scheduling order [ECF No. 5] does not reflect this Court's standard order for Social Security cases and is instead the Initial Scheduling Order, Cases Assigned Under App. A, Sub (M). The parties believe modification of the scheduling order is appropriate to reflect the terms and conditions typically used for Social Security actions in this district. With that in mind, the parties stipulate and agree, subject to the Court's approval that:

1. Plaintiff will have a 30 day extension to March 1, 2023, to file his motion for summary judgment.
2. Within 45 days after service of plaintiff's opening brief the defendant shall file the cross-motion for summary judgment.
3. Within 15 days after filing of defendant's brief, the plaintiff shall file the optional reply brief.

1 4. All references to the record and all assertion of fact must be accompanied by
2 citations to the record. The opening and responsive brief shall contain the following:

3 (a) A description of the plaintiff's alleged physical or emotional impairments,
4 including when the plaintiff contends the impairments became disabling, and how these
5 impairments disable the plaintiff from work;

6 (b) A summary of all relevant medical evidence, including an explanation of the
7 significance of clinical and laboratory findings and the purpose and effect of prescribed
8 medication and therapy;

9 (c) A summary of the relevant testimony at the administrative hearing;

10 (d) A recitation of the defendant's findings and conclusions relevant to the plaintiff's
11 claims;

12 (e) A short, separate statement of each of the plaintiff's legal claims stated in terms of
13 the insufficiency of the evidence to support findings of fact or reliance upon an erroneous legal
14 standard; legal standard; and

15 (f) Argument separately addressing each claimed error. Argument in support of each
16 claim of error must be supported by citation to legal authority and explanation of the application
17 of such authority to the facts of the particular case. Briefs that do not substantially comply with
18 these requirements will be stricken.

19 5. Motions for attorney fees shall be filed within 30 days after entry of final
20 judgment.

21 6. Requests for modification of this briefing schedule will not be routinely granted.
22 Any such request must be made by written stipulation or motion and will be granted only for
23 good cause. A request for a modification brought on the filing deadline, will be looked upon with
24 disfavor. Local Rule 144(d).

25 7. Violations of this order or of the federal rules of procedure or the Local Rules may
26 result in sanctions pursuant to Local Rule 110.

27 ///

This is the parties first request for modification of the scheduling order. This request is made jointly in good faith, without dilatory motive and not for purposes of undue delay or to prejudice the interest of any party.

SO STIPULATED AND AGREED, February 2, 2023:

WEEMS LAW OFFICES

PHILLIP A. TALBERT,
United States Attorney
PETER K. THOMPSON
Acting Regional Chief Counsel,
Region IX, Soc. Sec. Admin
GERALYN A. GULSETH
Sp. Asst. U.S. Attorney

/s/Robert C. Weems
ROBERT C. WEEMS,
Attorney for Plaintiff

By: /s/ GERALYN A. GULSETH
GERALYN A. GULSETH
Sp. Asst. U.S. Attorney,
Attorney for Defendant
(per email authorization)

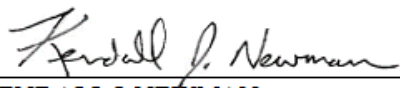
ORDER

The parties' stipulation is APPROVED, subject to the following alterations. Given that the Supplemental Rules for Social Security Actions were recently updated and those rules set the briefing schedule, the court will follow this schedule. Fed. R. Civ. P. SUPP SS 6, 7, and 8. Thus:

1. The stipulated extension of time for plaintiff to file the motion for summary judgment is GRANTED, and plaintiff's motion is due by March 1, 2023.
2. The Commissioner's cross-motion is due 30 days thereafter, or April 1, 2023.
3. Plaintiff's optional reply brief is due within 14 days of the Commissioner's cross motion.
4. Further, a review of the docket indicates that not all parties have submitted their consent/decline forms regarding magistrate judge jurisdiction. Consent is not required, but the parties' designations are required so this case can be administratively processed. Therefore, any party who has not made its consent/decline election shall do so by March 1, 2023.

Dated: February 6, 2023

paz.1605


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

Stipulation re Mod. Sch Order

09-EFB